



## PERSONNEL POLICIES AND PROCEDURES

**Subject: ALCOHOL AND DRUG USE**

**Effective: 07/01/90**

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### **I. POLICY STATEMENT**

It is the policy of the City of Long Beach to provide a healthy and safe work environment free from problems related to alcohol, illegal drugs, or any other substance which would interfere with the employee's safe and effective job performance.

### **II. PROCEDURES**

#### **A. Application**

All City employees are governed by this personnel policy and procedure.

#### **B. Employee Conditions of Employment**

All employees shall comply with the following conditions of employment:

1. Employees shall not consume alcohol, be under the influence of alcohol, or possess an open container of alcohol, or unlawfully manufacture, distribute, dispense, possess, or use illegal drugs while at City work locations or elsewhere during work hours, during meal and rest periods, while in or operating City vehicles or equipment, while wearing clothing which identifies the individual as a City employee, while foreseeably subject to being called to duty, or at any time which would interfere with the employee's safe and effective job performance. Exceptions pertaining to alcohol may be allowed while performing an approved police task.
2. Employees shall notify their supervisor before beginning work when using, before or during work, drugs, medications, or any other substance which the employee believes could foreseeably interfere with the employee's safe and effective job performance or operation of City vehicles or equipment.

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3. Employees may be required to take a drug and/or alcohol test if there is a reasonable suspicion of violation of this policy.
4. Employees who are convicted of any violation of a criminal drug law occurring in the workplace must notify their department head within five calendar days of such conviction.
5. Employees who enter City work locations shall be subject to inspections, searches, and seizures, as allowed by law, when there is reasonable suspicion that this Alcohol and Drug Use Policy has been violated.
6. Employees may be required by their department to comply with additional terms and conditions of employment not specified above in accordance with Federal, State and City laws, regulations and procedures.

**C. Exceptions to Policy**

Employees shall not be in violation of this policy for consuming or possessing an open container of alcohol while performing an approved police task (e.g. vice detail).

**D. Violation of Policy**

Employees who are in violation of this policy and any of the provisions listed under Section II-B shall be required to satisfactorily complete an Employee Assistance Program (refer to Section G-2). In addition, depending upon the circumstances and the severity of the incident, they may be subject to disciplinary action, up to and including termination from employment.

**E. Employee Notification**

1. All current employees shall receive a copy of the City's Policy Statement and Conditions of Employment located in the appendix.
2. All newly hired employees shall receive a copy of the City's Policy Statement and Conditions of Employment during the new employee orientation process.

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3. All employees are requested to sign that they have received, read, understood and will abide by the policy and conditions of employment. If an employee refuses to sign, a witness shall sign that the employee refused and was given a copy.
4. The original shall be placed in the employee's personnel file and a copy shall be retained by the employee.

**F. Management/Supervisor Responsibilities and Guidelines**

1. Enforcement - Managers and supervisors are responsible for enforcement of this personnel policy and procedure. Contact the Department of Human Resources for any assistance.
2. Notice of Drug Conviction for Federal Grant-Funded Employees - The employee's department head shall notify the appropriate federal granting agency within ten days after receiving a drug conviction notice from a federal grant-funded employee. The convicted employee shall enter the Employee Assistance Program and/or, if appropriate, may be subject to disciplinary action, up to and including termination from employment. This personnel action must be taken within thirty-days after the City receives the drug conviction notice for a federal grant-funded employee.
3. Drug and Alcohol Testing
  - a. Employees may be required to take a drug and/or alcohol test if there is a reasonable suspicion of violation of this policy and any of the conditions of employment listed under Section II-B.
  - b. Before an employee is tested for reasonable suspicion, two supervisors/managers must concur in the decision to test. At least one supervisor/manager must have direct knowledge of the facts used as the basis for the decision to test. Within a reasonable time after the incident, the supervisor will provide a report of the facts and/or observed conditions necessitating the drug test. A copy of the report shall be given to the employee upon written request.

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- c. To arrange for a drug or alcohol test between 7:30AM and 4:30PM, contact the Occupational Health Services Office. Drug testing will be referred to a laboratory certified by the Department of Health and Human Services. If the Occupational Health Services Office is closed, escort the employee to Long Beach Medical Clinic at 1250 Pacific Avenue to conduct a drug test. Medical staff is on-duty 24 hours a day, 7 days a week. If the employee appears to be under the influence of alcohol, the Station Commander at the Police Department should be contacted (590-7236 or 590-7237) to request an alcohol breath analysis. If necessary, call the Department of Human Resources for assistance before requiring an employee to submit to a drug and/or alcohol test.
  - d. Employees will be afforded the opportunity, prior to testing, to list all prescription and non-prescription drugs they have used in the last thirty days and to explain the circumstances surrounding the use of such drugs. This information will be kept in the employee's confidential medical file.
  - e. An employee whose drug test results are positive may, within 30 days, submit a written request for a retest of the original sample. The retest will be conducted at the original laboratory or at another NIDA Certified laboratory approved by the City Health Officer. The retest will be conducted at the employee's expense. If the results of the retest are not consistent with the original test, the process shall be considered inconclusive and shall not be used as the basis for subsequent action. The employee will be reimbursed for the cost of the retest if the results are negative.
4. Notice From Employees Using Drugs, Medications, or Alcohol - After receiving notice from an employee as required under Section II.B.2, if there is any question regarding the employee's ability to safely perform the employee's duties while using drugs or medication, clearance from the Occupational Health Services Office will be required prior to performing any work.

**G. Employee Assistance Program (EAP)**

For a general description of the program, refer to the Personnel Policies and Procedures regarding the EAP (Personnel Policies and Procedures 6.1). Employees may be referred to the EAP by the following two methods:

1. Voluntary Referral - Employees should be encouraged to voluntarily get help in dealing with alcohol or drug related problems through the City's EAP and/or the appropriate health insurance plan. The employee's participation in a voluntary referral shall be held strictly confidential with the EAP staff.
2. Mandatory Referral - Upon approval by the employee's department head, an employee may be required to contact the EAP staff for initial evaluation and intake into the program. Refer to the discipline procedures on mandatory referrals.

**H. Alcohol and Drug Awareness Program**

The Employee Assistance Program staff and/or Department of Human Resources staff shall conduct an on-going awareness program to inform employees about the dangers of alcohol and drug use, the City's policy and conditions of employment regarding alcohol and drug use, any available alcohol and drug counseling, rehabilitation, or employee assistance programs, and the penalties that may be imposed upon employees who violate the policy and conditions of employment regarding alcohol and drug use.

**III. DEFINITIONS**

- A. "Alcohol" - means any alcohol or alcoholic beverage as defined in California Business and Professional Code Sections 23003 and 23004.
- B. "Conviction for a Criminal Drug Law Violation" - means a finding of guilt, a no contest plea, or an imposition of sentence by any judicial body for any violation of a criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance.

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- C. "During Work Hours" - means during all compensated work time.
- D. "Foreseeably Interfere" - means when any reasonable person should have known that using a drug, medication, alcohol, or any other substance could cause drowsiness, potentially hazardous side effects, or have mind and mood altering properties which could interfere with the employee's safe and effective job performance or operation of City vehicles or equipment.
- E. "Foreseeably Subject to Being Called to Duty" - means when an employee has been placed on "standby" status, or placed "on call" to appear in court, or given notice to return to work the same day.
- F. "Illegal Drug" - means any controlled substance, drug, narcotic or immediate precursor which is specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the Health and Safety Code) which may subject an individual to criminal penalties, or a legal drug which has not been legally obtained or is being used by an individual for whom it was not prescribed, or is not being used in a manner, combination, or quantity for which it was manufactured, prescribed, or intended.
- G. "Reasonable Suspicion" - means a suspicion based on objective facts and reasonable inference drawn from those facts, that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to safely perform his/her job is reduced. Examples include, but are not limited to:
  - 1. Slurred speech, bloodshot eyes;
  - 2. Odor of intoxicants on breath or clothing;
  - 3. Unsteady standing, walking, or movement;
  - 4. Increased absenteeism, especially surrounding days off or holidays;
  - 5. Substandard performance whether in quantity or quality that cannot be otherwise explained;
  - 6. General unhappiness, mood swings, increased inattentiveness, changes in appearance;

7. Physical altercation;
  8. Verbal altercation;
  9. A preventable accident generally of a reckless nature involving City property;
  10. Information from a reliable person with personal knowledge of the drug/alcohol use;
  11. Actual observation of the possession or use of alcohol or drugs.
- H. "Workplace" - means at City work locations or elsewhere during work hours, or while in or operating City vehicles or equipment.

#### **IV. REFERENCES**

- A. Policy Relating to Employee Alcohol and Drug Use, Administrative Regulations 36-3.
- B. Drug-Free Workplace Act of 1988 (Public Law 00-690, Title V, Subtitle D).

#### **V. APPENDICES/FORMS**

Alcohol and Drug Use Policy Statement and Conditions of Employment